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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshiharu Sato

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11/17/2008

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EXAMINER

OLSEN, KAJ K

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment to claim 1 renders claim 1 allowable. Claims 2 and 4-9 depend from claim 1 and are also hereby allowable. Claims 10-12 remain allowable and claims 17-19 remain objected to for the reasons set forth in the previous office actions. Claims 13, 14, and 16 remain rejected for the reasons set forth for claims 13-16 in the 8/11/2008 final rejection.

### ***Response to Arguments***

2. Applicant's urges that WO '705 fails to anticipate the amended claim 13 because the first and second responses of WO '705 utilize the same combination of electrodes. It appears that applicant has misunderstood the rejection and is traversing a rejection the examiner never made. In particular, it appears that applicant is reading col. 14, ll. 21-38 of Miyazaki as reading on the first response of the claims and this response would not utilize different electrodes than the second response. However, if applicant reviews the 8/11/2008 final rejection, the examiner was not reading this measurement at col. 14, ll. 21-38 of Miyazaki on applicant's first response, but rather the examiner was relying on step 8 of fig. 5 and col. 9, ll. 18-45 as reading on the first response (par. 4 of the final rejection). This response relies on electrodes A and F (see fig. 5). The second response of WO '705 (e.g. steps 14-17 in fig. 6) relies on electrodes A and C. Electrode C (i.e. electrode 39 of fig. 2) is an electrode that is not utilized for the first response (which utilized electrodes A and F) and is further downstream than either of the electrodes utilized for the first response. Hence, applicant has misinterpreted the examiner's rejection and has incorrectly come to the conclusion that the examiner's rejection was in error.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAJ K. OLSEN whose telephone number is (571)272-1344. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam X. Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kaj K Olsen/  
Primary Examiner, Art Unit 1795  
November 18, 2008